

REMARKS

The present Amendment amends claims 10-17 and 20, leaves claims 11, 18 and 19 unchanged, and adds new claims 21 and 22. Therefore, the present application has pending claims 10-22.

In the Office Action the Examiner requests that Applicants' identify any references known to qualify as prior art under 35 U.S.C. §§102 or 103 with respect to the invention as defined by the independent and dependent claims. In response to this request, Applicants hereby state that a query has been made so as to determine the existence of any such prior art. However no such prior art was found sufficient to fulfill the request. Therefore, Applicants respectfully request the Examiner to acknowledge Applicants' response and withdraw the request.

As indicated above, claims 1-9 were canceled and amendments were made to claims 10-17 and 20. However, the amendments made to the claims were simply intended to clarify the language therein and to overcome objections noted by the Examiner in the Office Action. Therefore, the content of such claims as originally filed has not changed.

As indicated above, the present amendment adds new claims 21 and 22. New claims 21 and 22 are each directed to a storage control subsystem as illustrated for example in Fig. 1 having a control unit 8, a plurality of logical volumes 10 and a control memory 7. A discussion of these elements can be found on page 12, line 13 through page 15, line 11.

In claim 21, there is a recitation regarding the operation performed by the control unit after receiving a specific command. These features of the present invention are illustrated for example in Fig. 8 and discussed on page 52, line 13 through page 56, line 9.

Claim 22 recites various operations performed by the control unit before one or more of the target regular volumes and one or more of the target subvolumes are paired. These features of the present invention are discussed, for example, on page 5, line 14 through page 7, line 4.

In the Office Action, the Examiner alleges that the specification has not been checked to the extent necessary to determine the presence of all possible minor errors. The specification was reviewed to uncover any minor errors requiring correction. Upon review of the specification, no such minor errors were uncovered. The Examiner is respectfully requested to identify any errors the Examiner may be aware of so that such errors can be immediately corrected to expedite prosecution of the present application.

Claims 1-20 stand objected to various informalities noted by the Examiner in the Office Action. As indicated above, claims 1-9 were canceled. Therefore, the objections with respect to claims 1-9 are rendered moot.

Amendments were made to the remaining claims 10-20 so as to correct the informalities noted by the Examiner. Therefore, this objection with respect to claims 10-20 is overcome and should be withdrawn.

Claims 5, 6, 8, 9, 11 and 20 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. As indicated above, claims 5, 6, 8 and 9 were canceled. Therefore, this rejection with respect to claims 5, 6, 8 and 9 is rendered moot. Amendments were made to the remaining claims 11 and 20 to bring them into conformity with the requirements of 35 U.S.C. §112, second paragraph. Therefore, Applicants submit that this rejection is overcome and should be withdrawn.

Specifically, amendments were made to claims 11 and 20 to overcome the objections noted by the Examiner in the Office Action.

The Examiner's cooperation is respectfully requested to contact Applicants' attorney by telephone should any further indefinite matter be discovered so that appropriate amendments may be made.

Claims 1-6 stand rejected under 35 U.S.C. §102(b) as being anticipated by Kitamura (U.S. Patent Application Publication No. 2002/0091828); claim 7 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Kitamura in view of Kusters (U.S. Patent No. 6,681,310); claim 8 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Kitamura in view of Lubbers (U.S. Patent Application Publication No. 2003/0188119); and claim 9 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Kitamura in view of Iwamura (U.S. Patent Application Publication No. 2003/0225861). As indicated above, claims 1-9 were canceled. Therefore, these rejections with respect to claims 1-9 are rendered moot.

Accordingly, reconsideration and withdrawal of these rejections with respect to claims 1-9 is respectfully requested.

It should be noted that the cancellation of claims 1-9 was not intended nor should it be considered as an agreement on Applicants' part that the features recited in claims 1-9 are taught or suggested by any of the references of record whether taken individually or in combination with each other. The cancellation of claims 1-9 was simply intended to expedite prosecution of the present application.

Applicants acknowledge the Examiner's indication in the Office Action that claims 10-20 would be allowable if rewritten or amended to be in independent form to include all of the limitations of the base claim and any intervening claims where necessary, to correct the informalities noted by the Examiner, and to overcome the 35 U.S.C. §112, second paragraph rejection. Amendments were made to claims 10-20 to place them in independent form including all of the limitations of the base claim and any intervening claims where necessary, to correct the informalities noted by the Examiner and to overcome the 35 U.S.C. §112, second paragraph rejection. Therefore, claims 10-20 are now allowable as indicated by the Examiner.

As indicated above, the present Amendment adds new claims 21 and 22. New claims 21 and 22 recited many of the same features as recited in claims 10-20 determined by the Examiner to be allowable over the prior art of record. Therefore, the same reasons for allowance of claims 10-20 apply as well to new claims 21 and 22.

In view of the foregoing amendments and remarks, Applicants submit that claims 10-22 are in condition for allowance. Accordingly, early allowance of the present application based on claims 10-22 is respectfully requested.

To the extent necessary, Applicants petition for an extension of time under 37 CFR 1.136. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, or credit any overpayment of fees, to the deposit account of Mattingly, Stanger, Malur & Brundidge, P.C., Deposit Account No. 50-1417 (referencing attorney docket no. 1309.43634X00).

Respectfully submitted,

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